

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN MIKE TAYLOR**, on March 9, 2001 at 8:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Taylor, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Vicki Cocchiarella (D)
Sen. Sam Kitzenberg (R)
Sen. Dale Mahlum (R)
Sen. Glenn Roush (D)

Members Excused: Sen. Dale Berry (R)
Sen. Don Ryan (D)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kyanne Kelly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 493, 3/6/2001; HB 499,
3/6/2001; HB 500, 3/6/2001
Executive Action: HB 493; HB 489; HB 479; HB
218; HB 230; HB 500; HB 437;
HB 399

HEARING ON HB 493

Sponsor: REPRESENTATIVE NANCY FRITZ, HD 69, MISSOULA

Proponents: Andy Sponseller, Rattlesnake Creek Winery
Judith Chapman, Lolo Peak Winery

Opponents: None

Informational Witness: Lee Baerlocker, Department of Revenue

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 1.7}

REPRESENTATIVE NANCY FRITZ, HD 69, MISSOULA, said this is an economic development bill. She said it encourages the development of Montana Wineries by extending their distribution privileges to match those allowed to small breweries in the state.

EXHIBIT (bus54a01)

Proponents' Testimony:

Andy Sponseller, Rattlesnake Creek Winery, said they need a little more flexibility in getting their product out to the Montana market, and being able to sell to the retailers would be the flexibility they need to make their small winery go.

Judith Chapman, Lolo Peak Winery, said she has found that the wholesale distributors lack interest in the small volumes her winery produces so she needs to develop a market for her wines directly with the retailers, and this bill would facilitate that.

Opponents' Testimony: None

Informational Witness: Lee Baerlocker, Department of Revenue, said he was available for any questions from the committee.

Questions from Committee Members and Responses:

SENATOR VICKI COCCHIARELLA asked if this bill would conflict with any other bills heard this session.

Lee Baerlocker said no.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 12.3}

REPRESENTATIVE NANCY FRITZ, HD 69, MISSOULA, said Montana wineries are a value added industry, a clean industry and an industry that adds dollars to the general fund. She asked the committee to encourage this industry to flourish by concurring in this bill.

EXECUTIVE ACTION ON HB 493

Motion/Vote: SEN. MAHLUM moved that HB 493 BE CONCURRED IN. Motion carried unanimously.

HEARING ON HB 499

Sponsor: REPRESENTATIVE TOM FACEY, HD 67, MISSOULA

Proponents: Peggy Likens, Keep Montana Clean & Beautiful
Nicole Prokop, Trident Plant

Opponents: None

Informational Witness: Lou Moore, Dept. of Environmental Quality

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 13.9}

REPRESENTATIVE TOM FACEY, HD 67, MISSOULA, said the purpose of his bill was to increase glass recycling in Montana.

EXHIBIT (bus54a02)

Proponents' Testimony:

Peggy Likens, Keep Montana Clean & Beautiful, said the most overlooked part of recycling is the end market for the glass. She said this bill would provide an incentive to cement plants and paving plants to use recycled glass in their products.

EXHIBIT (bus54a03)

Nicole Prokop, Trident Plant, said they use glass as a sandstone substitute in the manufacturing of their cement.

EXHIBIT (bus54a04)

Opponents' Testimony: None

Informational Witness: Lou Moore, Dept. of Environmental Quality, said she would be available for questions.

Questions from Committee Members and Responses:

SENATOR DALE MAHLUM asked if you could cut yourself on the cement because it has recycled glass in it.

Nicole Prokop said no it becomes a very fine cement product.

SENATOR MIKE SPRAGUE asked if it had a refraction property.

Nicole Prokop said no.

SENATOR COCCHIARELLA asked if there is a savings in using glass as a raw material.

Nicole Prokop said it is a savings initially, but it is somewhat offset by the increased power used to crush it, and the increased maintenance cost.

SENATOR GLENN ROUSH asked if there was a conflict between state and federal law in this bill.

REPRESENTATIVE TOM FACEY, said no.

Lou Moore, said that federal law states that in order to operate the title 5 program sufficient fees need to be collected to operate the program.

CHAIRMAN TAYLOR asked who would deliver glass at one penny a ton.

Nicole Prokop said Headwaters Cooperative Recycling does.

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 3}

REPRESENTATIVE TOM FACEY, HD 67, MISSOULA, said this is a market based solution. The recycling company charges a small fee to the customers from whom they pick up the glass.

EXECUTIVE ACTION ON HB 489

Motion/Vote: SEN. TAYLOR moved that HB 489 BE CONCURRED IN.
Motion carried unanimously.

EXECUTIVE ACTION ON HB 479

Motion/Vote: SEN. TAYLOR moved that HB 479 BE CONCURRED IN.
Motion carried unanimously.

EXECUTIVE ACTION ON HB 218

Motion: SEN. TAYLOR moved that AMENDMENTS #HB021801 TO HB218 BE ADOPTED.

Discussion: Bart Campbell explained that the amendment makes it an immediate effective date, and also that this bill does not affect people hauling water for their own use.

Vote: Motion carried unanimously.

Motion/Vote: SEN. TAYLOR moved that HB 218 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 230

Motion/Vote: SEN. KITZENBERG moved that HB 230 BE TABLED. Motion failed 5-4 with Cocchiarella, Kitzenberg, Roush, and Ryan voting aye.

Motion: SEN. BUTCHER moved that AMENDMENT HB023002 TO HB 230 BE ADOPTED.

Discussion: Bart Campbell explained the amendments which would add a "bank of boiler" and also that the inspections would be for three years. Bill Jellison was asked if he had any objections to the amendments, Bill Jellison said no. Senator Sprague asked if in current law a bank of boilers would be each charged for separately. Bill Jellison said yes.

Vote: Motion carried unanimously.

Motion: SEN. TAYLOR moved that AMENDMENTS HB023004 TO HB230 BE ADOPTED.

Discussion: SENATOR COCCHIARELLA said that every public business should be inspected every year for public safety. This would be in places people congregate.

Vote: Motion carried unanimously.

Motion/Vote: SEN. TAYLOR moved that HB 230 BE CONCURRED IN AS AMENDED. Motion carried 7-2 with Cocchiarella and Ryan voting no.

HEARING ON HB 500

Sponsor: REPRESENTATIVE DAVE WANZENRIED, HD 68, MISSOULA

Proponents: Gene Fenderson, MT Heavy and Highway Committee
Robert Pavlovich, IBEW-233
Tom Ebzery, Montana Contractors Association
Darrell Holzer, AFL-CIO

Opponents: None

Opening Statement by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 9.5}

REPRESENTATIVE DAVE WANZENRIED, HD 68, MISSOULA, said this bill would make some changes in the Little Davis Bacon Law, which establishes rates for skilled laborers on publicly funded projects. The most important change is a revision in the way prevailing wage is calculated.

Proponents' Testimony:

Gene Fenderson, Montana Heavy and Highway Committee, explained in detail the bill, section by section.

Robert Pavlovich, IBEW-233, said he supports the bill.

Tom Ebzery, Montana Contractors Association, said they support the bill as amended.

Darrell Holzer, AFL-CIO, said he supports the bill and he thinks this will make constructions projects more appealing to valuable, skilled workers.

Opponents' Testimony: none

Questions from Committee Members and Responses: None

Closing by Sponsor:

{Tape : 2; Side : B; Approx. Time Counter : 2.5}

REPRESENTATIVE DAVE WANZENRIED, HD 68, MISSOULA, said this bill would bring about changes needed to even out the fluctuations in the wages paid for public projects.

EXECUTIVE ACTION ON HB 500

Motion/Vote:: **SEN. ROUSH** moved that **HB 500 BE CONCURRED IN**.
Motion carried unanimously.

EXECUTIVE ACTION ON HB 437

Motion: **SEN. COCCHIARELLA** moved that **HB 437 BE CONCURRED IN**.

Discussion: **SENATOR BUTCHER** said he has a problem with having to inspect the dumb waiters and freight elevators every year. The people only use it for themselves, and he said he has a problem charging them \$100.00 a year. **Jim Brown** was asked what the major changes from the current law were. He said that at the current time the state of Montana does inspections on passenger elevators only every year, and with the passage of this bill it would include freight elevators and dumbwaiters. **SENATOR ROUSH** said that inspections would reduce the costs of insurance and also it is a safety issue. He said it would provide for more income coming into the department. **SENATOR TAYLOR** said he wanted to study the bill further, so he was postponing action until later.

EXECUTIVE ACTION ON HB 399

Motion/Vote: **SEN. BUTCHER** moved that **HB 399 BE CONCURRED IN**.
Motion carried unanimously.

ADJOURNMENT

Adjournment: 9:50 A.M.

SEN. MIKE TAYLOR, Chairman

KYANNE KELLY, Secretary

MT/KK

EXHIBIT (bus54aad)